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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,090	01/16/2004	Edward Joseph Gallagher	SVL920030129US1	5262
7590	08/24/2006		EXAMINER	
Min, Hsieh & Hack, L.L.P. Suite 160 125 University Avenue Palo Alto, CA 94301			STACE, BRENT S	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/758,090	GALLAGHER ET AL.	
	Examiner	Art Unit	
	Brent S. Stace	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 January 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/16/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Remarks***

1. Claims 1-20 have been examined. Claims 1-20 have been rejected. This document is the first Office action on the merits.

### ***Information Disclosure Statement***

2. The information disclosure statement is being considered by the examiner.

### ***Specification***

3. The title of the invention is objected to because it appears to be in need of grammatical correction.

The following title is suggested: "Method and apparatus using dynamic SQL for item create, retrieve, update, or delete operations in a content management application."

4. The use of the trademark Java has been noted in this application (towards the bottom of page 8). It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "216" has been used to designate both Access Control and Item Type ID in Fig. 2A. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the drawings. For example, the drawings should be carefully checked to ensure that all reference numerals are described in the specification, that no one reference numeral describes two separate drawing elements, or that the specification contains no reference to numerals not in the drawings.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 11 recites the limitation "said device" in line 2. There is insufficient antecedent basis for this limitation in the claim. This rejection propagates downward through dependent Claims 12-20.

#### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3, 9-11, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,032,153 (Sadiq et al.).

**Claim 1** can be mapped to Sadiq as follows: "A method of dynamically preparing a structured query language statement, [Sadiq, col. 4, lines 45-50] said method comprising:

- receiving a request that affects an item; [Sadiq, col. 2, lines 2-6]
- identifying a respective type of the item; [Sadiq, col. 4, lines 13-15]
- retrieving a set of attributes [Sadiq, col. 6, lines 31-35] and a portion of a structured query language statement [Sadiq, col. 6, lines 31-35] based on the

type of the item; [Sadiq, col. 6, lines 31-35 with Sadiq, col. 5, lines 14-21 with Sadiq, col. 4, lines 4-27] and

- preparing the structured query language statement for the item based on the set of attributes and the portion in response to the request" [Sadiq, col. 6, lines 31-35].

**Claim 2** can be mapped to Sadiq as follows: "The method of claim 1, wherein retrieving the set of attributes and the portion comprises retrieving a set of parameters that indicate a data structure for the item" [Sadiq, col. 4, lines 4-27].

**Claim 3** can be mapped to Sadiq as follows: "The method of claim 1, wherein retrieving the set of attributes and the portion comprises retrieving a set of references for the structured query language statement" [Sadiq, col. 4, lines 4-27].

**Claim 9** encompasses substantially the same scope of the invention as that of Claim 1, in addition to an apparatus and some means for performing the method steps of Claim 1. Therefore, Claim 9 is rejected for the same reasons as stated above with respect to Claim 1.

**Claim 10** encompasses substantially the same scope of the invention as that of Claim 1, in addition to computer readable medium and some program code for performing the method steps of Claim 1. Therefore, Claim 10 is rejected for the same reasons as stated above with respect to Claim 1.

**Claim 11** can be mapped to Sadiq as follows: "A system that dynamically prepares a structured query language statement, [Sadiq, col. 4, lines 45-50] said device comprising:

- a database that stores a plurality of items in a first table [Sadiq, col. 4, lines 4-27 with Sadiq, col. 3, lines 25-29] and stores information indicating attributes of each type of item in a second table; [Sadiq, col. 4, lines 4-27 with Sadiq, col. 3, lines 25-29] and
- a processor [Sadiq, col. 3, lines 25-29 with Fig. 1, detail 24] configured by a set of program code to receive a request that affects an item stored in the first table of the database, [Sadiq, col. 2, lines 2-6 with Sadiq, col. 4, lines 4-27] identify a type of the item based on information in the first table, [Sadiq, col. 4, lines 13-15] retrieve attributes for the item from the second table based on the item's type, [Sadiq, col. 6, lines 31-35 with Sadiq, col. 5, lines 14-21 with Sadiq, col. 4, lines 4-27] determine a portion of a structured query language statement based on parsing the attributes, [Sadiq, col. 6, lines 31-35] and prepare the structured query language statement for the item based on the retrieved attributes and the portion in response to the request" [Sadiq, col. 6, lines 31-35].

**Claim 15** can be mapped to Sadiq as follows: "The system of claim 11, wherein the set of program code comprises a set of embedded structured query language statements for preparing the structured query language statement for the item" [Sadiq, col. 6, lines 31-45].

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,032,153 (Sadiq et al.) in view of U.S. Patent Application Publication No. 2003/0093433 (Seaman et al.).

For **Claim 4**, Sadiq teaches: "The method of claim 1, wherein retrieving the set of attributes and the portion comprises."

Sadiq discloses the above limitation but does not expressly teach: "retrieving at least a portion of an insert statement."

With respect to Claim 4, an analogous art, Seaman, teaches: "retrieving at least a portion of an insert statement" [Seaman, paragraph [0144]].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Seaman and Sadiq before him/her to combine

Seaman with Sadiq because both inventions are directed towards dynamically generating queries/SQL.

Seaman's invention would have been expected to successfully work well with Sadiq's invention because both inventions use databases to query. Sadiq discloses a method and system for maintaining persistence in a shared object system comprising dynamically generating update queries. However, Sadiq does not expressly disclose dynamically generating insert queries. Seaman discloses a method and system for software application development and customizable runtime environment comprising dynamically generating insert queries.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Seaman and Sadiq before him/her to take the dynamic generation of insert queries from Seaman and install it into the invention of Sadiq, thereby offering the obvious advantage of being able not only to update the database (modify) but update by adding (inserting) new records offering the ability to add new records with Sadiq's invention.

For **Claim 20**, Sadiq teaches: "The system of claim 11, wherein the attributes stored in the second table include."

Sadiq discloses the above limitation but does not expressly teach:

- "a structure query language statement that inserts a new item into the first table."

With respect to Claim 20, an analogous art, Seaman, teaches:

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- "a structure query language statement that inserts a new item into the first table"

[Seaman, paragraph [0144] with Sadiq, col. 6, lines 31-45 with Sadiq, col. 4, lines 4-27].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Seaman and Sadiq before him/her to combine Seaman with Sadiq because both inventions are directed towards dynamically generating queries/SQL.

Seaman's invention would have been expected to successfully work well with Sadiq's invention because both inventions use databases to query. Sadiq discloses a method and system for maintaining persistence in a shared object system comprising dynamically generating update queries. However, Sadiq does not expressly disclose dynamically generating insert queries. Seaman discloses a method and system for software application development and customizable runtime environment comprising dynamically generating insert queries.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Seaman and Sadiq before him/her to take the dynamic generation of insert queries from Seaman and install it into the invention of Sadiq, thereby offering the obvious advantage of being able not only to update the database (modify) but update by adding (inserting) new records offering the ability to add new records with Sadiq's invention.

15. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,032,153 (Sadiq et al.) in view of U.S. Patent No. 5,950,188 (Wildermuth).

For **Claim 5**, Sadiq teaches: "The method of claim 1, wherein retrieving the set of attributes and the portion comprises."

Sadiq discloses the above limitation but does not expressly teach: "retrieving information that indicates access rights for the structured query language statement."

With respect to Claim 5, an analogous art, Wildermuth, teaches: "retrieving information that indicates access rights for the structured query language statement" [Wildermuth, col. 7, lines 1-21 with Wildermuth, cols. 7-8, lines 61-3].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Wildermuth and Sadiq before him/her to combine Wildermuth with Sadiq because both inventions are directed towards issuing commands/queries to databases.

Wildermuth's invention would have been expected to successfully work well with Sadiq's invention because both inventions use databases using SQL. Sadiq discloses a method and system for maintaining persistence in a shared object system comprising SQL. However, Sadiq does not expressly disclose retrieving information that indicates access rights for the SQL statement. Wildermuth discloses a database system with methods for executing system-created internal sql command statements comprising a security flag indicative of access rights for the structured query language statements.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Wildermuth and Sadiq before him/her to take the security feature from Wildermuth and install it into the invention of Sadiq, thereby offering the obvious advantage of having a more secure system where “dangerous” system functions are not exposed to inappropriate users of the system.

For Claim 19, Sadiq teaches: “The system of claim 11, wherein the attributes stored in the second table includes.”

Sadiq discloses the above limitation but does not expressly teach: “information indicating access rights for each type of item.”

With respect to Claim 19, an analogous art, Wildermuth, teaches: “information indicating access rights for each type of item” [Wildermuth, col. 7, lines 1-21 with Wildermuth, cols. 7-8, lines 61-3].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Wildermuth and Sadiq before him/her to combine Wildermuth with Sadiq because both inventions are directed towards issuing commands/queries to databases.

Wildermuth’s invention would have been expected to successfully work well with Sadiq’s invention because both inventions use databases using SQL. Sadiq discloses a method and system for maintaining persistence in a shared object system comprising SQL. However, Sadiq does not expressly disclose retrieving information that indicates access rights for the SQL statement. Wildermuth discloses a database system with

methods for executing system-created internal sql command statements comprising a security flag indicative of access rights for the structured query language statements.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Wildermuth and Sadiq before him/her to take the security feature from Wildermuth and install it into the invention of Sadiq, thereby offering the obvious advantage of having a more secure system where “dangerous” system functions are not exposed to inappropriate users of the system.

16. Claim 6 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,032,153 (Sadiq et al.) in view of U.S. Patent No. 6,219,676 (Reiner).

For **Claim 6**, Sadiq teaches: “The method of claim 1, wherein retrieving the set of attributes and the portion comprises.”

Sadiq discloses the above limitation but does not expressly teach:

- “determining a timestamp for the set of attributes and the portion; and
- selectively retrieving the set of attributes and the portion from a cache based on the timestamp.”

With respect to Claim 6, an analogous art, Reiner, teaches:

- “determining a timestamp for the set of attributes and the portion; [Reiner, col. 7, lines 43-64 with Reiner, col. 9, lines 27-45] and
- selectively retrieving the set of attributes and the portion from a cache based on the timestamp” [Reiner, col. 7, lines 43-64 with Reiner, col. 9, lines 27-45].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Reiner and Sadiq before him/her to combine Reiner with Sadiq because both inventions are directed towards accessing data.

Reiner's invention would have been expected to successfully work well with Sadiq's invention because both inventions use data structures to access data. Sadiq discloses a method and system for maintaining persistence in a shared object system comprising SQL. However, Sadiq does not expressly disclose the cache data structure or timestamps being used to access data. Reiner discloses a methodology for cache coherency of web server data comprising a cache with timestamps for accessing data.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Reiner and Sadiq before him/her to take the cache data structure from Reiner and install it into the invention of Sadiq, thereby offering the obvious advantage of achieving the fast lookup times (thereby fast data retrieval) gained by using a cache data structure.

For **Claim 12**, Sadiq teaches: "The system of claim 11, further comprising."

Sadiq discloses the above limitation but does not expressly teach: "a cache that stores a copy of at least a portion of the second table."

With respect to Claim 12, an analogous art, Reiner, teaches:

- "a cache that stores a copy of at least a portion of the second table" [Reiner, col. 7, lines 43-64 with Reiner, col. 9, lines 27-45].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Reiner and Sadiq before him/her to combine Reiner with Sadiq because both inventions are directed towards accessing data.

Reiner's invention would have been expected to successfully work well with Sadiq's invention because both inventions use data structures to access data. Sadiq discloses a method and system for maintaining persistence in a shared object system comprising SQL. However, Sadiq does not expressly disclose the cache data structure or timestamps being used to access data. Reiner discloses a methodology for cache coherency of web server data comprising a cache with timestamps for accessing data.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Reiner and Sadiq before him/her to take the cache data structure from Reiner and install it into the invention of Sadiq, thereby offering the obvious advantage of achieving the fast lookup times (thereby fast data retrieval) gained by using a cache data structure.

**Claim 13** can be mapped to Sadiq (as modified by Reiner) as follows: "The system of claim 12, wherein the second table includes a timestamp for each row in the second table" [Reiner, col. 7, lines 43-64 with Reiner, col. 9, lines 27-45].

**Claim 14** can be mapped to Sadiq (as modified by Reiner) as follows: "The system of claim 13, wherein the processor is configured to selectively retrieve information from the cache or the second table based on the timestamp" [Reiner, col. 7, lines 43-64 with Reiner, col. 9, lines 27-45].

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Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,032,153 (Sadiq et al.) in view of U.S. Patent No. 5,742,806 (Reiner et al.).

For **Claim 7**, Sadiq teaches: "The method of claim 1, wherein preparing the structured query language statement comprises."

Sadiq discloses the above limitation but does not expressly teach: "opening a first set of cursors for the structured query language statement."

With respect to Claim 7, an analogous art, Reiner, teaches: "opening a first set of cursors for the structured query language statement" [Reiner, cols. 89-90, lines 65-5].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Reiner and Sadiq before him/her to combine Reiner with Sadiq because both inventions are directed towards accessing data in databases using queries.

Reiner's invention would have been expected to successfully work well with Sadiq's invention because both inventions use databases and queries. Sadiq discloses a method and system for maintaining persistence in a shared object system comprising SQL. However, Sadiq does not expressly disclose cursors. Reiner discloses an apparatus and method for decomposing database queries for database management system including multiprocessor digital data processing system comprising cursors with queries.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Reiner and Sadiq before him/her to take the cursors

from Reiner and install it into the invention of Sadiq, thereby offering the obvious advantage of doing parallel operations to speed up the system of Sadiq.

**Claim 8** can be mapped to Sadiq (as modified by Reiner) as follows: "The method of claim 7, further comprising opening a second set of cursors when all of the cursors in the first set have been opened" [Reiner, cols. 89-90, lines 65-5].

For **Claim 16**, Sadiq teaches: "The system of claim 15, further comprising a set of files that include."

Sadiq discloses the above limitations but does not expressly teach: "a plurality of cursors for the embedded structured query language statements."

With respect to Claim 16, an analogous art, Reiner, teaches: "a plurality of cursors for the embedded structured query language statements" [Reiner, cols. 89-90, lines 65-5].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Reiner and Sadiq before him/her to combine Reiner with Sadiq because both inventions are directed towards accessing data in databases using queries.

Reiner's invention would have been expected to successfully work well with Sadiq's invention because both inventions use databases and queries. Sadiq discloses a method and system for maintaining persistence in a shared object system comprising SQL. However, Sadiq does not expressly disclose cursors. Reiner discloses an apparatus and method for decomposing database queries for database management

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system including multiprocessor digital data processing system comprising cursors with queries.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Reiner and Sadiq before him/her to take the cursors from Reiner and install it into the invention of Sadiq, thereby offering the obvious advantage of doing parallel operations to speed up the system of Sadiq.

**Claim 17** can be mapped to Sadiq (as modified by Reiner) as follows: "The system of claim 16, wherein the set of files comprise a first package of cursors that are opened by the embedded structured query language statements" [Reiner, cols. 89-90, lines 65-5].

**Claim 18** can be mapped to Sadiq (as modified by Reiner) as follows: "The system of claim 17, wherein the set of files further comprises a second package of cursors that are opened by the embedded structured query language statements when all of the cursors in the first package have been opened" [Reiner, cols. 89-90, lines 65-5].

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is advised that, although not used in the rejections above, prior art cited on the PTO-892 form and not relied upon is considered materially relevant to the applicant's claimed invention and/or portions of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent S. Stace whose telephone number is 571-272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brent Stace

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